

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

**FILED**  
NOV 17 2004  
*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

CR 04-30110

Plaintiff,

INDICTMENT

v.

18 U.S.C. §§ 1153, 1201(a)(2), 2241(a),  
113(a)(3), 113(a)(6) and SDCL 22-32-1

DARREN YOUNGMAN,  
a/k/a TOTE YOUNGMAN,

KIDNAPPING, AGGRAVATED  
SEXUAL ABUSE, ASSAULT WITH A  
DANGEROUS WEAPON, ASSAULT  
RESULTING IN SERIOUS BODILY  
INJURY AND FIRST DEGREE  
BURGLARY

Defendant.  
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The Grand Jury charges:

COUNT I

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, did willfully and unlawfully seize, confine, inveigle, decoy, kidnap, and carry away Kathleen King, and hold her for the purposes of assaulting her and otherwise, in violation of 18 U.S.C. §§ 1153 and 1201(a)(2).

COUNT II

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, did knowingly attempt to cause and cause Kathleen King, to engage in a sexual act, that is, the penetration, however slight, of the

genital opening of Kathleen King by an object, that is, a plastic tube, with the intent to abuse, humiliate, harass, and degrade Kathleen King, and arouse and gratify his sexual desire, by using force against her person, and by threatening and placing Kathleen King in fear that she would be subjected to death, serious bodily injury, and kidnaping, in violation of 18 U.S.C. § 1153, 2241(a) and 2246(2)(C).

### COUNT III

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, did knowingly attempt to cause and cause Kathleen King, to engage in a sexual act by using force against her person, and by threatening and placing her in fear that she would be subjected to death, serious bodily injury, and kidnaping, in violation of 18 U.S.C. § 1153, 2241(a) and 2246(2)(C).

### COUNT IV

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, without just cause or excuse, did unlawfully assault Kathleen King with a dangerous weapon, that is, a belt, with intent to do bodily harm to Kathleen King, in violation of 18 U.S.C. §§ 1153 and 113(a)(3).

### COUNT V

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren

Youngman, a/k/a Tote Youngman, an Indian, without just cause or excuse, did unlawfully assault Kathleen King with a dangerous weapon, that is, shod feet, with intent to do bodily harm to Kathleen King, in violation of 18 U.S.C. §§ 1153 and 113(a)(3).

#### COUNT VI

On or about between the 18th day of October, 2004, and the 20th day of October, 2004, in Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, did unlawfully assault Kathleen King, and said assault resulted in serious bodily injury, in violation of 18 U.S.C. §§ 1153 and 113(a)(6).

#### COUNT VII

On or about between the 18th day of October, 2004 and the 20th day of October, 2004, at Todd County, in Indian Country, in the District of South Dakota, Darren Youngman, a/k/a Tote Youngman, an Indian, did unlawfully enter and remain in an occupied structure, that is, the residence of Crystal LaPointe, with the intent to commit the crime of kidnaping therein, in violation of 18 U.S.C. § 1153 and SDCL 22-32-1.

#### SENTENCING FACTORS:

The allegations set forth in this Indictment are hereby alleged and incorporated herein by this reference as if fully set forth herein; it is further found and charged that the following sentencing enhancements apply in this case:

1. U.S.S.G. § 2A4.1 - Serious Bodily Injury
2. U.S.S.G. § 2A4.1(b)(3) - Use of A Dangerous Weapon

3. U.S.S.G. § 2A2.2(b)(2) - Use of A Dangerous Weapon
4. U.S.S.G. § 2A2.2(b)(3) - Serious Bodily Injury
5. U.S.S. G. § 2B2.1 - Residence

A TRUE BILL:

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Foreman

JAMES E. McMAHON  
United States Attorney

By *Dennis R. Holmes*